

# 2013 DRAFTING REQUEST

## Bill

Received: **6/19/2013** Received By: **mglass**  
 Wanted: **Soon** Same as LRB:  
 For: **Natural Resources 266-5376** By/Representing: **Mike Bruhn**  
 May Contact: Drafter: **mglass**  
 Subject: **Nat. Res. - parks and forestry** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Michael.Bruhn@wisconsin.gov**  
 Carbon copy (CC) to:

## Pre Topic:

No specific pre topic given

**Topic:** *DNR gives permission to Rep. Newson to*  
*access file Mbr*  
 System of water trails

## Instructions:

The DNR in conjunction with the Department of Tourism would like to modify the definition of a trail to include "water trails," which would allow for the creation of a statewide water trail system for tourism purposes.

## Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 6/25/2013						
/P1	mglass 7/1/2013	scalvin 6/26/2013	jfrantze 6/26/2013		srose 6/26/2013		State
/1		scalvin 7/2/2013	rschluet 7/2/2013		sbasford 7/2/2013	mbarman 7/3/2013	State

FE Sent For:

*at intro  
2/20*

<END>

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/P1	mglass 7/1/2013	scalvin 6/26/2013	jfrantze 6/26/2013	_____	srose 6/26/2013		State
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FE Sent For:

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For: **Natural Resources 266-5376**By/Representing: **Mike Bruhn**

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Drafter: **mglass**Subject: **Nat. Res. - parks and forestry**

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Extra Copies:

Submit via email: **YES**Requester's email: **Michael.Bruhn@wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

**Topic:**

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**Instructions:**

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/?	mglass 6/25/2013						
/P1	scalvin 6/26/2013 /1 Sac 07/02/2013	jfrantze 6/26/2013			srose 6/26/2013		State

FE Sent For:

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**2013 DRAFTING REQUEST**

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Subject:	<b>Nat. Res. - parks and forestry</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **Michael.Bruhn@wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

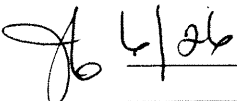
**Topic:**

System of water trails ✓

**Instructions:**

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass						

FE Sent For:

<END>

## Gibson-Glass, Mary

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**From:** Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>  
**Sent:** Monday, June 17, 2013 9:41 PM  
**To:** Gibson-Glass, Mary  
**Subject:** RE: DNR Drafting Request - Trail Definition

Hi Mary,

I didn't see this on one the status report, either.

Thanks!!

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

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**From:** Bruhn, Michael L - DNR  
**Sent:** Friday, December 28, 2012 2:59 PM  
**To:** Gibson-Glass, Mary - LEGIS  
**Cc:** Bruhn, Michael L - DNR  
**Subject:** DNR Drafting Request - Trail Definition

Mary,

I have a relatively simple drafting request for the DNR for the 2013-2014 Legislative Session. The DNR in conjunction with the Department of Tourism would like to modify the definition of a trail to include "water trails," which would allow for the creation of a statewide water trail system for tourism purposes.

Please contact me if you should have any questions.

Thanks!

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)



## Gibson-Glass, Mary

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**From:** Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>  
**Sent:** Monday, June 24, 2013 5:04 PM  
**To:** Gibson-Glass, Mary  
**Subject:** RE: Draft on state water trails

Mary,

Our staff thinks this could be done easily with an addition to s. 23.175 (2) (a), and in fact it may be helpful on a variety of fronts to eliminate the current list of trail users and amend the entire subsection as follows:

### 23.175 State trails.

(2) DUTIES OF THE DEPARTMENT. The department shall:

(a) Designate a system of state trails as part of the state park system, for use by equestrians, bicyclists, riders of electric personal assistive mobility devices, cross-country skiers or hikers. Water trails may be designated as state trails. The state trail system shall be named the "Aldo Leopold Legacy Trail System."

And yes, the State's Trails Council would have authority. Please let me know if you have any question.

Thanks!

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

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**From:** Gibson-Glass, Mary [<mailto:Mary.Gibson-Glass@legis.wisconsin.gov>]  
**Sent:** Wednesday, June 19, 2013 1:56 PM  
**To:** Bruhn, Michael L - DNR  
**Subject:** Draft on state water trails

Mike

Do you just want a one sentence authorizing DNR to establish a water trail system for recreation use, or do you want me to model it after s. 23.175? Parts of s. 23.175 would not be relevant, but the provisions such as getting input from other entities or requiring a management plan would be. Also, if you do want it based on s. 23.175, do you want the state trails council's authority to cover water trails?

Thanks,

Mary

Mary Gibson-Glass

Senior Legislative Attorney



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2546 P1  
MGG: /....  
Sec

RMR

500m

iw 6/26 DN

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** <sup>gen act</sup> ~~relating to:~~ <sup>a</sup> ~~establishing~~ <sup>designating</sup> a system of recreational water trails.

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Natural Resources (DNR) supervises a state park system, which includes a system of state trails that are open for various outdoor recreational activities, such as hiking, bicycling, and cross-country skiing. by hikers, and cross-country skiers. As part of its authority over the state trail system, DNR establishes priorities for trail development, designates state trails, and establishes management plans for the state trails. This bill authorizes DNR to include in the state trail system water trails to be used for canoeing and other recreational purposes.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 23.175 (2) (a) of the statutes is amended to read:

3 23.175 (2) (a) Designate a system of state trails as part of the state park system  
4 for use. The state trails may be used by persons engaged in outdoor recreational  
5 activities such as equestrians, bicyclists, riders of electric personal assistive mobility

1 devices, cross-country skiers, ~~or~~ and hikers. The state trail system may also include  
2 state water trails to be used for canoeing and other recreational purposes. The state  
3 trail system shall be named the "Aldo Leopold Legacy Trail System."

4 **SECTION 2.** 27.01 (8) (a) of the statutes is amended to read:

5 27.01 (8) (a) *Admission fee.* Except as provided under pars. (b) ~~and~~, (bn), and  
6 (br), the department may charge a person an admission fee to enter Heritage Hill  
7 state park or a state trail.

**History:** 1971 c. 125, 215, 326; 1973 c. 90 s. 538; 1973 c. 245; 1975 c. 365 s. 62; 1977 c. 29, 71, 424; 1979 c. 34, 175; 1981 c. 20, 343; 1983 a. 19; 1983 a. 27 ss. 644 to 674, 2202 (38); 1983 a. 325; 1985 a. 29, 125; 1987 a. 27, 277, 295, 399; 1989 a. 31, 56, 213, 359; 1991 a. 39, 269; 1993 a. 16, 213; 1995 a. 27, 312, 391; 1997 a. 27, 248; 1999 a. 9, 83; 2001 a. 16; 2005 a. 25, 94; 2007 a. 20, 165; 2009 a. 28, 54, ~~30~~, 302; 2011 a. 168; 2013 a. 6; s. 35.17 correction in (18).

8 **SECTION 3.** 27.01 (8) (br) of the statutes is created to read:

9 27.01 (8) (br) *Exemptions; water trails.* No admission fee may be charged to use  
10 any state water trail designated under s. 23.175.

11 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2546/?dn  
MGG:.....

I thought it best not to change the list of trail users found in s. 23.175 (2) (a) since I assume no change in who may use the state trail system is intended.

I included a prohibition again charging a fee to use a state water trail due to the public trust doctrine.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2546/P1dn  
MGG:sac:jf

June 26, 2013

I thought it best not to change the list of trail users found in s. 23.175 (2) (a) since I assume no change in who may use the state trail system is intended.

I included a prohibition against charging a fee to use a state water trail due to the public trust doctrine.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov

## Gibson-Glass, Mary

---

**From:** Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>  
**Sent:** Friday, June 28, 2013 1:38 PM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: Draft review: LRB -2546/P1 Topic: System of water trails

Hi Mary,

I am forwarding some information from our state trails coordinator (below). I like her compromise language as a possible legislative answer -- **23.175 State trails.**

(2) DUTIES OF THE DEPARTMENT. The department shall:

(a) Designate a system of state trails as part of the state park system, ~~for use by equestrians, bicyclists, riders of electric personal assistive mobility devices, cross-country skiers or hikers.~~ The state trail system may also include water trails. The state trail system shall be named the "Aldo Leopold Legacy Trail System."

Please review the information, and please feel free to contact me with any questions or concerns.

Thank you and have a great weekend!

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

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**From:** Brown, Brigit E - DNR  
**Sent:** Wednesday, June 26, 2013 4:42 PM  
**To:** Bruhn, Michael L - DNR  
**Cc:** Schuller, Daniel J - DNR  
**Subject:** RE: Draft review: LRB -2546/P1 Topic: System of water trails

Mike, there are three areas of the proposal from LRB where we would really like to see another approach.

First, the list of trail users. We believe the best approach is to eliminate the current list of users entirely. Not all trails are open to all of the uses listed, nor is the list inclusive of all allowed trail uses. We would suggest amending 23.175(2) (a) as shown below. Additional reasoning for not listing uses in the next paragraph.

Second, listing canoeists specifically in the language regarding water trails. These water trails are intended for use by all kinds of recreationists (canoeing, kayaking, scuba diving, snorkeling...and motorized boating – Wisconsin has a great history of motorized boating trails!). There are always new trail uses on the horizon and listing only one potential user group sets the stage for limiting use of such trails unnecessarily (I could see stand-up paddle boarders being the next big water trail user group).

### 23.175 State trails.

(2) DUTIES OF THE DEPARTMENT. The department shall:

(a) Designate a system of state trails as part of the state park system, ~~for use by equestrians, bicyclists, riders of electric personal assistive mobility devices, cross-country skiers or hikers.~~ Water trails may be designated as state trails. The state trail system shall be named the "Aldo Leopold Legacy Trail System."

As a possible compromise between what we've proposed and what LRB has proposed (change from above is in red):

**23.175 State trails.**

**(2) DUTIES OF THE DEPARTMENT.** The department shall:

**(a)** Designate a system of state trails as part of the state park system ~~for use by equestrians, bicyclists, riders of electric personal assistive mobility devices, cross-country skiers or hikers.~~ The state trail system may also include water trails. The state trail system shall be named the "Aldo Leopold Legacy Trail System."

Finally, with regard to charging a fee. There are launch fees at some locations where recreationists would access a state water trail. Without going into much further detail further defining admission fees, etc, in the statute, these launch fees could be viewed as "admission fees". And although we agree that the public trust doctrine would not allow us to require a fee specifically for using these waters, there may be other revenue options that we do not want to preclude with such language. Our goal (and what we hear from the public) is to create a healthy and robust water trail program, such as exist in Minnesota (charges a fee) and Iowa (charges a fee). Currently, there is an optional registration fee for watercraft such as canoes which funds programs at the River Alliance. Instead of diminishing those funding opportunities, whether paid for by willing participants in the nonmotorized boat registration program, or via another program at some point in the future, we ask that those possibilities not be precluded. We feel that the proposed language will do that and ask that no language regarding fees is included. If someone feels strongly that it must be there, then we ask that "except for public launch fees as established by administrative code, municipal code, ordinance, or other legislation" or similar language be included.

Thanks Mike. I'm in La Crosse tomorrow talking to trail volunteers and staff about water regs and ADA, but available by cell and will be checking email.

-Brigit

Brigit E. Brown  
State Trails Coordinator  
101 S. Webster Street, Box 7921  
Madison, WI 53707-7921  
608-266-2183 desk  
608-219-1295 cell

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**From:** Bruhn, Michael L - DNR  
**Sent:** Wednesday, June 26, 2013 3:25 PM  
**To:** Brown, Brigit E - DNR  
**Subject:** FW: Draft review: LRB -2546/P1 Topic: System of water trails

Hi Brigit,

Please find the draft and drafter's note attached for your review. Please let me know any issues/concerns.

Thanks!

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)

Website: [dnr.wi.gov](http://dnr.wi.gov)

Find us on Facebook: [www.facebook.com/WIDNR](https://www.facebook.com/WIDNR)

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**From:** LRB.Legal [<mailto:LRB-LegalServices@legis.wisconsin.gov>]

**Sent:** Wednesday, June 26, 2013 11:42 AM

**To:** Bruhn, Michael L - DNR

**Subject:** Draft review: LRB -2546/P1 Topic: System of water trails

**Following is the PDF version of draft LRB -2546/P1 and drafter's note.**





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2546/Dr 1 RMR

MGG:sac/jf

in 7/1 soon

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

in the state trail system

gen cat

- 1 AN ACT *to amend* 23.175 (2) (a) and 27.01 (8) (a); and *to create* 27.01 (8) (br) of  
2 the statutes; *relating to:* <sup>including</sup> ~~designating~~ a system of recreational water trails

***Analysis by the Legislative Reference Bureau***

INS ANL Under current law, the Department of Natural Resources (DNR) supervises a state park system, which includes a system of state trails that are open for various outdoor recreational activities, such as hiking, bicycling, and cross-country skiing. As part of its authority over the state trail system, DNR establishes priorities for trail development, designates state trails, and establishes management plans for the state trails. This bill authorizes DNR to include in the state trail system water trails to be used for canoeing and other recreational purposes.

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6 activities such as equestrians, bicyclists, riders of electric personal assistive mobility

1 devices, cross-country skiers, ~~or~~ and hikers. The state trail system may also include  
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6 (br), the department may charge a person an admission fee to enter Heritage Hill  
7 state park or a state trail.

8 **SECTION 3.** 27.01 (8) (br) of the statutes is created to read:

9 27.01 (8) (br) *Exemptions; water trails.* No admission fee may be charged to use  
10 any state water trail designated under s. 23.175.

11 (END)

← INSERT 2-16

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2546/P1ins  
MGG:sac:jf

1           **INS ANL**

\*           Under current law, the Department of Natural Resources (DNR) supervise<sup>s</sup> a  
\*           state park system, which includes a system of state trails that are open for use by  
            persons such as ~~by~~<sup>e</sup> equestrians, bicyclists, and hikers. The bill eliminates this list of  
            specific persons who may use state trails. The bill also authorizes DNR to include  
            water trails in this state trail system. Water trails are used for recreational activities  
            such as canoeing and motorboating.

2           **INS 2-10**

3           **SECTION 1.** 23.175 (2) (a) of the statutes is amended to read:

4           23.175 (2) (a) Designate a system of state trails as part of the state park system

(5)       ~~for use by equestrians, bicyclists, riders of electric personal assistive mobility~~  
            ↑       ↑  
6       ~~devices, cross-country skiers or hikers.~~ The state trail system may also include  
7       water trails. The state trail system shall be named the "Aldo Leopold Legacy Trail  
8       System."

**History:** 1989 a. 31; 1991 a. 39; 1993 a. 72; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16, 90; 2005 a. 335; 2007 a. 35.

## **Gibson-Glass, Mary**

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**From:** Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>  
**Sent:** Wednesday, July 03, 2013 10:24 AM  
**To:** LRB.Legal  
**Cc:** Gibson-Glass, Mary  
**Subject:** Draft Review: LRB -2546/1 Topic: System of water trails

Please Jacket LRB -2546/1 for the ASSEMBLY.

Hi! Can you please jacket for the Senate, as well??

Thanks!

Michael Bruhn  
Legislative Liaison, Wisconsin DNR

MGG  
is drafting  
a "companion bill".

## **Gibson-Glass, Mary**

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**From:** Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>  
**Sent:** Thursday, January 16, 2014 5:07 PM  
**To:** Gibson-Glass, Mary  
**Subject:** LRB 2620 and 2546

Hi Mary,

Can you please give access to Rep. Nerison to these bills?

Thanks!!

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)